

MANDATE

16-3550-cv
NSI Int'l v. Mustafa

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

Rulings by summary order do not have precedential effect. Citation to a summary order filed on or after January 1, 2007, is permitted and is governed by Federal Rule of Appellate Procedure 32.1 and this Court's Local Rule 32.1.1. When citing a summary order in a document filed with this Court, a party must cite either the Federal Appendix or an electronic database (with the notation "summary order"). A party citing a summary order must serve a copy of it on any party not represented by counsel.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of June, two thousand eighteen.

PRESENT: JON O. NEWMAN,
JOSÉ A. CABRANES,
SUSAN L. CARNEY,
Circuit Judges.

NSI INTERNATIONAL, INC.,

Plaintiff-Appellee,

v.

16-3550-cv

MONA MUSTAFA,

Defendant-Appellant.

FOR PLAINTIFF-APPELLEE:

Jamie S. Felsen, Milman Labuda Law Group, PLLC, Lake Success, NY.

FOR DEFENDANT-APPELLANT:

Mona Mustafa, *pro se*, Lindenhurst, IL.

Appeal from a judgment awarding attorney's fees of the United States District Court for the Eastern District of New York (Joseph F. Bianco, *Judge*).

UPON DUE CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the District Court's September 14, 2016 judgment awarding attorney's fees be and hereby is **AFFIRMED**.

Defendant-appellant Mona Mustafa, proceeding *pro se*, appeals from a September 14, 2016 judgment awarding attorney's fees in favor of plaintiff-appellee NSI International, Inc. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

Mustafa has waived any argument against the fee award by failing to challenge the award in her brief on appeal. *Cf. Harrison v. Republic of Sudan*, 838 F.3d 86, 96 (2d Cir. 2016) ("It is a well-established general rule that an appellate court will not consider an issue raised for the first time on appeal." (internal quotation marks and alteration omitted)); *LoSacco v. City of Middletown*, 71 F.3d 88, 92–93 (2d Cir. 1995) (holding that *pro se* litigant waived issues not raised in brief). In any event, we find no abuse of discretion in the District Court's award of attorney's fees. *See Barfield v. New York City Health and Hosps. Corp.*, 537 F.3d 132, 151 (2d Cir. 2008) (noting that we afford "considerable discretion" to district courts in setting attorney's fees).

Any challenge to our 2015 decision affirming the underlying judgment is not properly before us, and the law of the case doctrine precludes us from revisiting the decision absent a compelling reason to do so. *See Starbucks Corp. v. Wolfe's Borough Coffee, Inc.*, 736 F.3d 198, 208 (2d Cir. 2013).

We have reviewed all of the arguments raised by Mustafa on appeal and find them to be without merit. Accordingly, we **AFFIRM** the District Court's judgment awarding attorney's fees. We **GRANT** Mustafa's motion to accept the appendix and **DENY** her motions to compel and for judicial notice. The text orders she requests are just that, text. There are no separate documents. The documents she cites as missing from our docket are internal docket entries, which do not have corresponding documents. We **DENY** NSI International, Inc.'s motion for sanctions, but hereby warn Mustafa that any future frivolous or vexatious appeals, motions, or other filings may result in sanctions, including imposition of a leave-to-file sanction that would require her to seek permission to file an appeal, motion, or other papers in this Court. *See Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




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